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7

8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Case No. 2:24-cr-00024-GMN-DJA-1

12 Plaintiff,

13

v.

14 DAVID LEE KAGEL,

15 Defendant.

STIPULATION TO CONTINUE  
CHANGE OF PLEA HEARING  
(Third Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,  
17 United States Attorney, and Theodore M. Kneller, Trial Attorney, U.S. Department of Justice,  
18 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,  
19 and Benjamin F. J. Nemec, Assistant Federal Public Defender, counsel for David Lee Kagel,  
20 that the change of plea hearing currently scheduled on April 29, 2024, be vacated and continued  
21 to May 13, 2024.  
22

23 This Stipulation is entered into for the following reasons:

24 1. Mr. Kagel is transferring to a new hospice facility on April 29th. As a result, he  
is unavailable to appear on April 29th.  
25

26 2. The parties have consulted and May 13th at 10:00 AM works for both the  
government and defense.

3. The defendant is not in custody and agrees with the need for the continuance.

4. The parties agree to the continuance.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

This is the third request for a continuance of the change of plea hearing.

DATED this 22nd day of April, 2024.

RENE L. VALLADARES  
Federal Public Defender

JASON M. FRIERSON  
United States Attorney

By /s/ Benjamin F. J. Nemecek  
BENJAMIN F. J. NEMEC  
Assistant Federal Public Defender

By /s/ Theodore M. Kneller  
THEODORE M. KNELLER  
Trial Attorney, U.S. Department of Justice

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
DAVID LEE KAGEL,  
Defendant.

Case No. 2:24-cr-00024-GMN-DJA-1

## **ORDER**

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**Defendant.**

Defendant.

IT IS THEREFORE ORDERED that the change of plea hearing currently scheduled for Monday, April 29, 2024 at 9:00 a.m., be vacated and continued to May 13, 2024 at the hour of 10:00 a.m.

DATED this 22 day of April, 2024.

UNITED STATES DISTRICT JUDGE